

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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J.P., a minor, by and through  
CHANNY SOK-HANG as guardian,

Plaintiff,

v.

CITY OF STOCKTON, STOCKTON  
POLICE DEPARTMENT, STANLEY  
MCFADDEN, JORGE ANDRADE and  
DOE 1 to 10,

Defendants.

No. 2:21-CV-00788 WBS AC

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for June 6, 2022, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown

1 under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 The parties do not anticipate further amendment to the  
4 pleadings, but because defendants represent that they have not  
5 seen plaintiff's Fourth Amended Complaint at the time of filing  
6 the Joint Status Report, defendants may reserve the right to  
7 move, plead, or otherwise respond to it as may be appropriate.  
8 Otherwise, no further joinder of parties or amendments to  
9 pleadings will be permitted except with leave of court, good  
10 cause having been shown under Federal Rule of Civil Procedure  
11 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
12 (9th Cir. 1992).

13 III. JURISDICTION/VENUE

14 Jurisdiction is predicated upon federal question, 28  
15 U.S.C. § 1331, because plaintiff asserts claims arising under the  
16 United States Constitution and the following laws of the United  
17 States: 42 U.S.C. § 1983; Rehabilitation Act, 29 U.S.C. § 701;  
18 and the Americans with Disabilities Act, 42 U.S.C. § 12101.  
19 Venue is undisputed and hereby found to be proper.

20 IV. DISCOVERY

21 Defendants served initial disclosures required by  
22 Federal Rule of Civil Procedure 26(a)(1) on May 9, 2022. The  
23 parties agreed plaintiff would serve his initial disclosures by  
24 May 24, 2022 and the court has not been notified that plaintiff  
25 failed to do so. (Joint Status Report at 4 (Docket No. 50).)

26 The parties shall disclose experts and produce reports  
27 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
28 later than September 18, 2023. With regard to expert testimony

1 intended solely for rebuttal, those experts shall be disclosed  
2 and reports produced in accordance with Federal Rule of Civil  
3 Procedure 26(a)(2) on or before October 16, 2023.

4 All discovery, including depositions for preservation  
5 of testimony, is left open, save and except that it shall be so  
6 conducted as to be completed by November 13, 2023. The word  
7 "completed" means that all discovery shall have been conducted so  
8 that all depositions have been taken and any disputes relevant to  
9 discovery shall have been resolved by appropriate order if  
10 necessary and, where discovery has been ordered, the order has  
11 been obeyed. All motions to compel discovery must be noticed on  
12 the magistrate judge's calendar in accordance with the local  
13 rules of this court and so that such motions may be heard (and  
14 any resulting orders obeyed) not later than November 13, 2023.

15 V. MOTION HEARING SCHEDULE

16 All motions, except motions for continuances, temporary  
17 restraining orders, or other emergency applications, shall be  
18 filed on or before January 8, 2024. All motions shall be noticed  
19 for the next available hearing date. Counsel are cautioned to  
20 refer to the local rules regarding the requirements for noticing  
21 and opposing such motions on the court's regularly scheduled law  
22 and motion calendar.

23 VI. FINAL PRETRIAL CONFERENCE

24 The Final Pretrial Conference is set for March 25,  
25 2024, at 1:30 p.m. in Courtroom No. 5 or via videoconference.  
26 The Courtroom Deputy will notify the parties prior to the  
27 Conference whether the Conference will be held in person or via  
28 videoconference. The conference shall be attended by at least

1 one of the attorneys who will conduct the trial for each of the  
2 parties and by any unrepresented parties.

3 Counsel for all parties are to be fully prepared for  
4 trial at the time of the Pretrial Conference, with no matters  
5 remaining to be accomplished except production of witnesses for  
6 oral testimony. Counsel shall file separate pretrial statements,  
7 and are referred to Local Rules 281 and 282 relating to the  
8 contents of and time for filing those statements. In addition to  
9 those subjects listed in Local Rule 281(b), the parties are to  
10 provide the court with: (1) a plain, concise statement which  
11 identifies every non-discovery motion which has been made to the  
12 court, and its resolution; (2) a list of the remaining claims as  
13 against each defendant; and (3) the estimated number of trial  
14 days.

15 In providing the plain, concise statements of  
16 undisputed facts and disputed factual issues contemplated by  
17 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims  
18 that remain at issue, and any remaining affirmatively pled  
19 defenses thereto. If the case is to be tried to a jury, the  
20 parties shall also prepare a succinct statement of the case,  
21 which is appropriate for the court to read to the jury.

22 VII. TRIAL SETTING

23 The jury trial is set for June 4, 2024 at 9:00 a.m. The  
24 parties estimate that the trial will last 14 days.

25 VIII. SETTLEMENT CONFERENCE

26 The parties agree that a settlement conference with the  
27 magistrate judge would be appropriate after the close of  
28 discovery, and they may "engage in private attempts to resolve


1 this lawsuit before then." If a settlement has not been reached  
2 by the time of the Final Pretrial Conference, a Settlement  
3 Conference with a magistrate judge will be set at that time.  
4 Counsel are instructed to have a principal with full settlement  
5 authority present at the Settlement Conference or to be fully  
6 authorized to settle the matter on any terms. At least seven  
7 calendar days before the Settlement Conference counsel for each  
8 party shall submit a confidential Settlement Conference Statement  
9 for review by the settlement judge. The Settlement Conference  
10 Statements shall not be filed and will not otherwise be disclosed  
11 to the trial judge.

12 IX. MODIFICATIONS TO SCHEDULING ORDER

13 Any requests to modify the dates or terms of this  
14 Scheduling Order, except requests to change the date of the  
15 trial, may be heard and decided by the assigned Magistrate Judge.  
16 All requests to change the trial date shall be heard and decided  
17 only by the undersigned judge.

18 IT IS SO ORDERED.

19 Dated: May 27, 2022

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21 WILLIAM B. SHUBB  
22 UNITED STATES DISTRICT JUDGE  
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